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BY ECF

Hon. Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

RE: *SingularDTV GmbH v. LeBeau, et al.*, No. 1:21-cv-10130 (VEC)

Dear Judge Caproni:

We represent Plaintiff SingularDTV GmbH in the above-captioned action. Pursuant to the Court's order dated January 24 (Dkt. No. 64), we write to respectfully inform the Court that, for several reasons, the parties' agreement on issues raised by Plaintiff's motion for preliminary injunction (the "Motion")—which culminated in the Court's entry of a Consent Order (Dkt. No. 66) this Tuesday, January 25—does not fully resolve Plaintiff's claims.

First, the parties' agreement addresses only the injunctive relief sought as part of the Motion; it does not resolve other pending matters, including Plaintiffs' existing statutory claims or claims for damages. Second, Defendants have yet to fully perform their obligations under the Consent Order and the underlying agreement, including migration of e-mail accounts. Third, Defendants have thus far failed to deliver the "cold wallet hardware device" as required by the Consent Order (at 2) and the parties' agreement, and instead informed Plaintiff's counsel yesterday afternoon that "there is no" such device. Plaintiff intends to meet and confer with Defendants on this issue but has not yet had an opportunity to do so, nor to evaluate potential relief that may be appropriate. Finally, Plaintiff is considering filing an amended complaint with new claims but has not yet made a decision on that issue.

In light of the foregoing, Plaintiff respectfully submits that the case should remain open.¹

We have conferred with counsel for Defendants, who advises that Defendants reserve all rights.

¹ Plaintiff also respectfully notes that its motion to intervene in a related action pending before this Court (*SingularDTV GmbH v. Doe*, No. 1:21-cv-6000 (VEC)) is pending. As the Court is aware, that motion involves Defendants' unauthorized, *ultra vires* acts on behalf of Plaintiff.

Respectfully Submitted,

/s/ Benjamin J. A. Sauter

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